

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
E/S Mt. Vista Road, 1010' (+/-)  
N of c/l of Mt. Vista Road  
6966 Mt. Vista Road  
11th Election District  
5th Councilmanic District  
Leslie C. Lee, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-305-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building setback of 45 ft. in lieu of the required 50 ft., for an existing dwelling, and to amend the Fifth Amended Final Development Plan of El-Ray Farm for Lot No. 7, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of March 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building setback of 45 ft., in lieu of the required 50 ft., for an existing dwelling, and to amend the Fifth Amended Final Development Plan of El-Ray Farm for Lot No. 7, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 18, 1992

Mr. and Mrs. Leslie C. Lee  
6966 Mt. Vista Road  
Kingsville, Maryland 21087

RE: Petition for Residential Zoning Variance  
Case No. 92-305-A

Dear Mr. and Mrs. Lee:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES/mm  
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described by the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations to allow a building setback of 45 feet in lieu of the required 50 foot setback, for an existing dwelling, and to amend the Fifth Amended Final Development Plan of El-Ray Farm for Lot #7.

The building addition in violation began as a concrete porch, and over the years has been enclosed with roof. The property owner was unaware until recently of the set back violation. Removal of this addition would be very expensive and would lessen the value of the house.

Property is to be advertised under posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and act to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer:

W. Duvall & Associates, Inc.

(Type or print name)

(Signature)

530 East Joppa Road

Towson, Maryland 21204

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

6966 Mt. Vista Road

Kingsville, MD 21087

City State Zip Code

Representative to be contacted:

Leslie C. Lee

6966 Mt. Vista Road

Kingsville, MD 21087

City State Zip Code

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Representative to be contacted:

Leslie C. Lee

AFFIDAVIT  
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at  
6966 Mt. Vista Road  
Kingsville, Maryland 21087  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Please describe in detail the facts upon which the request is based.)

The building addition in violation began as a concrete porch, and over the years has been enclosed with roof. The property owner was unaware until recently of the set back violation. Removal of this addition would be very expensive and would lessen the value of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Leslie C. Lee  
Sally K. Lee  
STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, \_\_\_\_\_, a Notary Public of the State of Maryland, do hereby certify, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared \_\_\_\_\_

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.  
3/18/92  
NOTARY PUBLIC  
My Commission Expires: 9-11-95

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

Zoning Description  
for Leslie C. & Sally K. Lee Property  
February 8, 1992

BEGINNING at a point on the east side of Mt. Vista Road which is 60 feet wide and the distance of 1010.08 feet north of the centerline of the nearest improved intersecting street El-Ray Road which is 50 feet wide. Begin Lot #7, Block "A" in the subdivision of EL-RAY FARM as recorded in Baltimore County Plat Book 47 Folio 144 containing 1.236 Ac.±. Also known as 6966 Mt. Vista Road, and located in the 11th Election District.



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt

Please Make Checks/Payments To: Baltimore County  
BA C009:21AM02-11-92 \$60.00

Cashier Validation

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 13, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for February 25, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 321, 322, 323, 324 and 327.

For Items 297 and 328, the previous County Review Group Comments still apply.

For Item 80 (Case No. 90-282-SPHXA), a continued County Review Group Meeting and revised plan are required.

For Item 318, the site must be submitted through the new subdivision process for review and comments.

Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

RECEIVED  
MAR 17 1992

ZONING OFFICE

3-16-92 92-305-A

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 18, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 25, 1992

This office has no comments for item numbers 318, 321, 322, 323 and 327.

Rahee J. Famili  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

RECEIVED  
MAR 18 1992  
ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
February 25, 1992 (410) 887-3353

Leslie and Sally Lee  
6966 Mt. Vista Road  
Kingsville, Maryland 21087

Re: CASE NUMBER: 92-305-A  
LOCATION: 6966 Mt. Vista Road, 1010' (+/-) N of c/1 Mt. Vista Road  
6966 Mt. Vista Road  
11th Election District - 5th Councilmanic

Dear Petitioner(s):  
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before March 1, 1992. The closing date is March 16, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioners. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioners), the property will be posted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

cc: W. Duvall & Associates

## W. DUVAL & ASSOCIATES, INC.

530 E. Joppa Rd. / Towson, Maryland 21204 / 301 583-9571 Engineers / Land Planning Consultants

Date: Feb 14, 1992  
To: *Julie*  
Re: *Administrative Variance for Leslie Lee Prop.*  
Attention: *Julie*

☐ We are submitting  
☒ We are forwarding  
☐ We are returning  
☐ We request

☒ Herewith

☐ Under Separate Cover

No.	Description
1	<i>Copy - Photos</i>

Remarks: *Julie, Please note me that this is placed with the rest of the package submitted this morning.*

☐ In accordance with your request  
☐ For your review  
☒ For processing  
☐ Plans reviewed and accepted  
☐ Plans reviewed and accepted as noted  
☐ For revision by you

☐ For your use  
☐ Please call when ready  
☐ Please return to this office  
☐ Approval requested  
☐ Conference requested at your convenience

For further information, please contact the writer at this office

CC: file  
Enclosed ☒

Sincerely yours,  
*Mark A. Lynam*

